# The Fugitive Slave Law of 1850 In Indiana

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When the constitution was being formulated by the convention at Philadelphia in 1787, one of the problems that came up for solution was the reclamation of fugitives. Among all the colonies it had become a custom, or rather a matter of inter-colonial comity, if a slave ran away from his master into another state or a fugitive was fleeing from justice he should be returned to the state from which he fled. Thus, the custom had grown up among the colonies before the Revolutionary war and still continued to be their custom in reclaiming chattel property or bringing about justice. In the constitutional convention all the states seemed to agree on the subject of slavery except North and South Carolina and Georgia. At this time these states deemed slavery necessary to their prosperity. To make sure that they would not lose their slaves, by their running away, they forced into the constitution the provision for a general fugitive slave law. Another clause provided for fugitives from justice. The clause relative to service is as follows: "No person held to service or labor in one state under the laws thereof escaping into another, shall, in consequence of any law or regulation therein be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

This clause was carried out by an act of congress passed February 12, 1793, and signed by President Washington. It was our first fugitive slave law, and remained a part of our law for fifty-seven years. The first part of the act had to do with fugitives from justice. The last part was concerned with run-away slaves. The part relating to criminals merely specified the manner in which demands were to be made upon governors for their extradition, and left it entirely within the discretion of the governors as to whether they would comply with the demands. That relating to "fugitives from service" was more explicit, and provided that any one apprehending such a fugitive should take him before a United States judge or before a magistrate of any county, city, or town, make proof of his character as property, and receive from the judge

or magistrate a certificate authorizing him to remove the fugitive to the state whence he had fled. Along in 1815 the increased value of negroes caused many complaints to be made of kidnapping free negroes to be sold south. On the other hand, the border states complained that their property was being enticed away from them into free states.

The objection was raised in the north to the act of 1793 that it imposed duties upon state magistrates which did not belong to them, and Pennsylvania passed a law carefully regulating the manner in which alleged fugitives were to be tried and remanded. The Prigg case came into the courts as a result of this act which was passed by Pennsylvania in 1826. Prigg was the agent of Margaret Ashmore, a citizen of Maryland, owner of a negro woman who had escaped into Pennsylvania. Under warrant from a magistrate of Pennsylvania, Prigg had caused the woman to be apprehended, but he was unable to persuade the local authority, before whom she was brought, to take further notice of the case. Prigg then carried the woman and her children *vi et armis* out of Pennsylvania and delivered them to their owner. Prigg was later indicted for felony under the Pennsylvania law. Judgment in the lower court against him was reaffirmed in the Pennsylvania Supreme Court in 1842. By a writ of error the case was taken to the Supreme Court of the United States, and, in an opinion rendered by Justice Story, the Pennsylvania law was held to be unconstitutional, but it was also held that congress could not impose such duties on state officials. Chief Justice Taney rendered a dissenting opinion, holding that the master had the right to seize his property anywhere, that such was part of the organic law of the nation and state officials were bound to execute it the same as other laws. The doubts expressed by the majority of the United States supreme court as to the duties of state officials caused the passage of personal liberty laws in many of the northern states. By these laws state officials were forbidden to assist in reclaiming alleged runaway slaves. The passage and enforcement of these laws in the north gave men in the slave states an opportunity to demand the enactment of a more rigid fugitive slave law. It was perfectly evident that the northern states could no longer be depended upon for the enforcement of the old law of 1793.

It is necessary at this point to see what the provisions of the fugitive slave law of 1850 were, that caused such profound excitement in Indiana, and what action was taken by her representatives on this subject.

In the first place the law provided that United States Commissioners should have the powers which had previously been held by local judges in the act of 1793. It was incumbent upon the judges of the district courts of the United States and the judges of the superior courts of the United States territories to appoint from among the several persons who may for the time being hold office under the government of the United States any number of commissioners not exceeding three in each county within their respective districts and territories of the United States and to require such commissioners to administer all necessary oaths, to examine witnesses and to hear and determine cases under the fugitive clause of the constitution and this act, concurrent with the jurisdiction of the judges of the circuit and district courts of the United States. They had the powers to grant certificates to claimants upon satisfactory proof, and authority to have said fugitive removed to the state or territory from which he came.

Section two provided that the United States marshals and deputy marshals were to execute all warrants issued. To enable the commissioners to conduct business expeditiously they had the power to appoint one or more persons from time to time to aid them in executing their warrants. If a marshal or deputy marshal refused to receive such warrant or process or diligently execute the same, he should be fined $1,000 to be used by the claimant. Should a marshal or deputy let a fugitive escape from his custody "with or without assent," he would become liable to prosecution by the claimant for the full value of labor or service of the fugitive in the state, territory or district whence he escaped. If it were necessary marshals could summon and call to their aid the by-standers, or *posse comitatus* of that county "and all good citizens are hereby commanded to aid and assist in the prompt and efficient execution of this law."

Section three provided that "the person or persons to whom such service or labor may be due, or his, her or their agent or attorney" by the power of attorney in writing acknowledged

and certified under seal of some legal officer or court of the state or territory in which the same may be executed, may pursue and reclaim the fugitive either by procuring a warrant from the proper circuit, district, or county court for the arrest of the fugitive or by directly seizing the fugitive, taking him before such court, judge or commissioner whose duty it is to hear and determine the case, "in a summary manner," and on satisfactory proof being made of the identity of the fugitive and the services due, the fugitive should then be returned to the state or territory whence he escaped. The testimony of the fugitive was not to be admitted in evidence but the certificate mentioned was to be conclusive against him, and was to prevent all molestation by any process issued by any court, judge, magistrate, or other person whomsoever.

Section four provided that "any person who shall knowingly and willingly obstruct, hinder or prevent such claimant or his agent from arresting such fugitive or shall rescue, or attempt to rescue such fugitive from service or labor when so arrested, or shall aid, abet or assist such person so owing service or labor to escape from the claimant or shall harbor or conceal such fugitive, so as to prevent the discovery and arrest of such person, after notice or knowledge of the fact that such person was a fugitive from service or labor, shall for either of said offenses, be subject to a fine not exceeding $1,000 and imprisonment not exceeding six months. Further he shall pay by way of civil damages to the injured party the sum of $1,000, to be recovered by action of debt in any district or territorial court aforesaid where the offense was committed."

The last section provided that on affidavit of the claimant that he was fearful of a rescue, the officer capturing the fugitive was authorized to employ as many persons as might be necessary to convey such slave to the place whence he fled, all expenses thereof to be paid out of the United States treasury.

Marshals, deputy marshals and clerks were paid for services the like fees as may be allowed to them for similar services in other cases. Where there was a direct arrest or where the case failed for want of sufficient proof, then fees were to be paid by claimant. In all cases before a commissioner, the commissioner was to receive $10 when the certificate was

granted, $5 when the evidence was insufficient for issuance of certificate, the fees to be paid by the claimant in each instance.

The law also provided that any claimant, by affidavit before any court of record in his own state or territory, might obtain a record with a general description of the fugitive, and an authenticated copy of such record was to be conclusive evidence, on proof of the identity of the fugitive, for issuing a certificate in any state or territory to which the slave had fled.[2]

It is evident that the provisions of the bill were ironclad. Its execution fell to the lot of the federal government and to federal officials instead of the various states. A rigorous enforcement it was believed would break up the habit of slaves running away from their masters. In its provisions, it fully met the approval of the south which had been complaining about the nullification of the act of 1793 by the different state enactments of the personal liberty laws. Now they had a law with the whole federal government back of it and they were fully assured of its execution in all northern states. They were fully assured by the president, Mr. Fillmore, that its provisions would be promptly and fully executed at all hazards as long as he was the chief executive of the country. So far as history records, no one doubts the truth of the president's statements on the subject. He had been so determined about its execution that in reply to an ex-senator's query about the law being enforced he had said: "To the very letter, sir, to the very letter." Later he declared for its execution even at the risk of blood. It might be worth noting that the signing of this obnoxious bill by Mr. Fillmore and its subsequent execution brought him upon the rocks and reefs of his political career.

The fugitive law of 1850 originated in the senate. By a resolution of Mr. Foote amended by Mr. Mangum, a committee of thirteen were chosen to submit a compromise bill on the subject of slavery in the Mexican cession, the slave trade in the District of Columbia, the admission of California and the fugitive slave question. This committee was chosen by ballot of the senate. Its membership included Mr. Clay, who was chairman ,Messrs. Bell, Berrien, Bright, Cass, Cooper, Dickinson, Downs, King, Mason, Mangum, Phelps and Webster. The

[2] *Congressional Globe*, 31st Congress, 1st Session, Senate, 1582.

personnel of the committee discloses the fact that one of Indiana's senators served on the grand committee which brought forth the bill. Jesse D. Bright was the senior senator from Indiana at the time the bill became a law and was a member of the committee of thirteen. Our junior senator at this time was ex-Governor James Whitcomb.

Mr. Bright was not a native of Indiana. He was born in Norwich, New York, in 1812 and removed to Indiana with his parents while still a small boy, settling at Madison, Jefferson county. He was not a learned man on any point, and his education on all points was deficient, but he was possessed of a strong way of putting his case before the people that made him an effective campaigner. He possessed a strong will and in political matters he was always prompt, quick to decide and quick to act. He was a thoroughgoing politician and soon built up, for himself, a strong political machine, which kept him in the senate until his expulsion in 1862. On every slavery question that came before the senate he always took the most extreme southern view. In the election of 1860 he strongly opposed Douglas and declared himself for Breckinridge. After his expulsion from the senate for treason he asked the Indiana legislature to re-elect him for the remaining forty or fifty days, but it refused. This defeat in 1863 he laid at the door of Thomas A. Hendricks. He was much embittered by this defeat and never engaged in politics again. He was the owner of extensive tracts of land in Kentucky and a large number of slaves. In 1874, he left the state of Indiana, removing to Baltimore, Maryland, where he died, May 20, 1875. Bright lacked much of being a great man, but he was a remarkable party leader and politician.

With such an attitude towards slavery as Mr. Bright expressed in his thought and action, no one has reason to wonder at his thorough agreement with Senator Mason of Virginia, the author of the fugitive slave bill of 1850. No one can doubt where he stood on the subject. He was strongly proslavery and agreed with every section of the bill. It did happen that on the day of its final passage he did not vote. The reason for his absence from the senate chamber on the day the vote was taken is disclosed a little later in a controversy that took place on this point between the *Statesman*

and the Madison *Courier,* two newspapers of Madison. The *Statesman* had made it appear that Bright had been attacked by a bit of political nervousness, for it said:

Was not his country bleeding at every pore—and was not the oil of consolation just getting ready to be applied—and was it not becoming a representative of the Democracy of Indiana to stand firm at the post of duty? Dare the *Courier* defend this dodging? Come, Mr. *Courier,* enlighten us. Tell us—do—why Jesse dodged the vote?[3]

To this the *Courier* replied:

If the *Statesman* wants further proof, we refer it to one or two prominent Whigs in the neighborhood of its co-laborer, the Evansville *Journal,* who were in Washington at the time, endeavoring to get a mail line established by the postoffice department, from Evansville to Louisville and all along the shore.[4]

All this controversy came a few days before the re-election of Mr. Bright to the senate. While the motive was political it does probably show the reason for his absence as well as what he said himself of the occurrence about nine months' later. The reason for his explanation came upon a motion of Senator Sumner to amend the allowance authorized in the fugitive slave law for the expenses incurred in executing the act for the surrender of fugitives from service. At this time he said:

Mr. President, I did not vote for the fugitive slave law on the question of its final passage, for the reason I was not in my place at the time the vote was taken. I was accidentally absent. Had I been here it is well understood I would have voted for it. I was honored with a place on the committee of thirteen, which formed and reported the compromise measures.[5]

A little later, in speaking of the bill, he said:

If I felt that it was incumbent on me to find a justification for my support of the "fugitive slave law" I would, as the senator from Illinois has done, point to the constitution which forms this confederacy, and say that having taken an oath to support it, so long as I remain a law maker under it, I shall ever hold myself ready and willing to aid in the enactment of all laws having for their object the aid necessary to carry into effect every one of its provisions.

[3] *Statesman,* Jan. 1, '51.
[4] Madison *Courier,* Jan., 51.
[5] *Congressional Globe,* 32d Cong., 1st Session, 1123.

In the same speech he declared against all "agitators," against those disturbers of the compromise measures, against "that class of politicians who cry repeal and set up the 'higher law' as their rule of action." He declared himself "supported by at least nine-tenths of the voters of Indiana." Indiana voters "unite in repudiating disunionists south and abolitionists north."

Indiana's junior senator in 1850 was ex-Governor James Whitcomb. Mr. Whitcomb was not a native of Indiana, having been born in the Green Mountain state near Winsor, December 1, 1795. Senator Whitcomb contrasted with Mr. Bright in nearly every point. He was several years older than his colleague, had been a careful student all his life, was a graduate of Transylvania University, of Lexington, Kentucky, was a good lawyer and was one of the most popular leaders of the democratic party in the state of his adoption. He located first at Bloomington, Indiana, in 1824 following his chosen profession of law. In 1841, upon his return from Washington, where he had been commissioner of the general land office, he again began the practice of law locating at Terre Haute, Indiana. During the Mexican war he was Indiana's governor, filling that position with dignity and honor. In December, 1848, he was elected to the United States senate as a successor of Edward A. Hannegan. He did not have an opportunity to display his ability in that body because his health was broken and he was forced to absent himself frequently from its sessions. He also found Mr. Bright strongly intrenched with his colleagues and with the administration. They were too dissimilar in character or political methods to have much in common, and as Senator Bright was a man who never brooked opposition or interference, Mr. Whitcomb found himself with but little influence. This disappointment aggravated, no doubt, his disease and he died before serving out half his term. His death occurred at New York, October 4, 1852.

In the senate, as has been said, Mr. Whitcomb was absent quite a bit of the time while the fugitive slave bill was on passage. In the course of an explanation as to why the bill had not been called up Mr. Whitcomb said:

> It is but due to myself to say, as may be already inferred, that I did not approve of all the features of the bill in the shape in which it was

introduced, but I certainly was ready and I yet am ready to vote for it whenever it shall be brought forward in a suitable shape, to carry out, in good faith and perfect fairness, the plain provisions of the constitution upon the subject.

Later he said:

And, I will add, such is my confidence in the patriotism of the people and their deep and abiding love of the union, that I have no doubt, whenever a bill of the kind referred to becomes a law, it will yet commend itself to the cheerful acquiescence and support of the great majority of the people of both the north and of the south.[6]

These are not the words of a strong pro-slavery man, but rather of a man who is seeking reconciliation and harmony in the nation. He was not ready and willing to vote for the measure as it was first formulated, not because it was protecting slavery, but because it would give the south a fair deal in the fulfillment of the plain provisions of the constitution on the subject of a fugitive from service. He would vote for it merely as an expediency and a necessity, not because he felt sympathy with the institution of slavery. Mr. Bright would vote for it because he was a slave owner and believed with the slave holders of the south. Both Indiana senators were for the bill, but for different reasons. Both senators failed to vote for the bill, one because his health was bad and the other because he was engaged in the establishment of a post route along the Ohio river.

In 1850, Indiana had ten representatives in the lower house, eight democrats and two whigs. The First district was represented by Mr. Albertson, a democrat; the second by C. L. Dunham, a democrat; the Third by J. L. Robinson, a democrat; the Fourth by G. W. Julian, a democrat; the Fifth by W. J. Brown, a democrat; the Sixth by W. A. Gorman, a democrat; the Seventh by Ed. W. McGaughey, a whig; the Eighth by Joseph E. McDonald, a democrat; the Ninth by Graham N. Fitch, a democrat; the Tenth by Mr. Harlan, a democrat.[7] Nothing was said by any of these gentlemen while the bill was passing the lower house, because the previous question was moved by Mr. Thompson of Pennsylvania, cutting off all de-

[6] *Congressional Globe*, 1st Sess., 31 Cong., 1574.
[7] *Indiana Statesman*, Sept. 25, '50.

bate. When it came to a vote, six representatives voted for the bill and four opposed. Those who voted aye were, Albertson, Brown, Durham, Gorman, McDonald and McGaughey. Those who voted nay were, Fitch, Harlan, Julian and Robinson. It will be observed that those voting for the bill were five democrats and one whig. Those voting against it were four democrats. In this way did the representatives put themselves upon record. By the time of the next congressional election in '51 a very strong reaction had set in, and many representatives were made to suffer for their vote. Mr. Albertson was not renominated from the First district, but in his place the democrats nominated James Lockhart, who defeated L. Q. DeBruler, a whig. In the Second district Mr. Durham was renominated and re-elected by a large majority. J. L. Robinson was re-elected from the Third by a reduced majority. G. W. Julian voted against the bill and was defeated by Samuel W. Parker, a whig, whom Julian had defeated two years before by securing the votes of Free Soilers, independent democrats and anti-slave whigs. W. J. Brown was set aside in the Fifth by the democrats for Thomas A. Hendricks who defeated W. P. Rush. In the Sixth, the democrats renominated and returned W. A. Gorman over Eli P. Farmer. In the Seventh Edward W. McGaughey was defeated by J. G. Davis. McGaughey was defeated largely because of his vote on the fugitive slave bill. He made as able a campaign as possible, but many whigs could not vote for him because of his stand on the question. McDonald of the Eighth had voted for the slave law and his party would not renominate him for congress. They cast him aside for Daniel Mace, who defeated D. Brier in a close election. G. N. Fitch of Logansport, had voted against the bill and was renominated and re-elected over Schuyler Colfax. Mr. Harlan of the Tenth was not again nominated. The democrats nominated J. W. Borden, who defeated S. Brenton, a whig, by a narrow margin.

It will be observed that the people had begun to take up the subject so early as the next congressional election and had cudgeled some of the candidates quite lively over their stand on the slave law. With all the talk of *finality,* which senators and representatives used up and down the land, there was a growing minority which would not keep still, nor live at

peace with the law which had been enacted. They did not have political power enough yet to obtain their desire, but in many instances they brought about the defeat of candidates who participated in the enactment of the law of 1850. The majority of people throughout the north accepted the law, not through love for its principles but because of their love for the union. In this movement Indiana was no exception.

At this point let the popular feeling then existing in the state be expressed through their newspapers and local meetings. Evidences of harmony will first be portrayed and this will be indicative of the will of the majority of the people of the state at that time.

The best type of union resolutions, were those adopted at a meeting held at Greencastle, Indiana (Putnam County) in which such whigs as R. N. Allen, A. Johnson, Higgins Lane and A. D. Hamrich united with such democrats as D. E. Eckles, Judge Duckworth, J. F. Farley and W. Q. Allen, in supporting the compromise measure. The resolutions are so expressive of union sentiment of the day that they are copied *verbatim* as follows:

*Resolved*, That it was with pain we witnessed the fearful agitations through which we have just passed. For ten months the national legislature was almost suspended, the wheels of government became nearly motionless, crimination and recrimination was indulged in by fanatics of the north and hurled back by disunionists of the south goading each other on to madness, until the cry of disunion and treason disgraced the halls of the capitol, and the wisest, the best and the boldest of our patriots were made to fear for the safety of the union. In these agitations we have taken part with neither the abolitionists of the north or the disunionists of the south, but steadily regarding the perpetuation of our unparalleled system of government and looking to the rights of man and the protection due every section of the union in the full enjoyment of every guaranty of the constitution of the United States as the surest and safest mode of securing to ourselves and our posterity, the blessing of civil and religious liberty, and as patriots we hail with just pride and rejoicing the system of compromise measures passed at the late session of congress and approved by the president of the United States, and we declare our intention to the utmost, to maintain the same "whole and entire" and do not, and will not, countenance the bad faith manifesting itself in various parts of the northern states to maintain only so much of the system of compromise measures as suits the prejudices of the north only, and war against that portion intended as a protection to the south against negro stealing citizens of the north.

*Resolved,* That we regard all sectional agitation as prejudicial to our interest and dangerous to the perpetuation of our free institutions and we therefore appeal to the north as well as to the south to respect the prejudices and feelings of each and cultivate feelings of mutual forbearance and respect for the interests and rights of all, and to abandon now and forever all agitation and interference by the citizens of one state with the institutions of another and hush the cry of disunion and the thought of treason from the halls of congress.

*Lastly Resolved,* That we have not permitted nor countenanced the abduction of slaves from slave states and will not countenance negro stealing any sooner than horse stealing.[8]

An editorial appeared in the *Sentinel* about this time written by W. J. Brown, then a member of congress and who had voted for the "peace bill" as he called it. The union sentiment is shown in the following quotation from his paper:[9]

The passage of this measure at the late session of congress by the aid of northern votes and its approval by a president from the north, contradicts the assertion so often made by the southern statesman that an attack is contemplated in the free states upon their peculiar institutions. It affords another evidence which ought to be peculiarly gratifying to all. That is the fidelity and attachment of the northern people to the constitution under which they live. Nothing is more difficult than to enforce a law which violates public opinion. That all the prejudices of the north are against slavery and in favor of universal freedom is not to be denied. Here is a law, the effect of which is to close our doors against the fugitive slaves, enforced without difficulty. Its operation so far has been most efficient. Under its provisions the long secreted fugitive is returned to his owner and the free man protected from the iron grasp of the man stealer. The south should know that nothing but the most ardent desire to sustain the letter and spirit of the constitution could have induced the north to acquiesce in this measure. The practical operations of the bill referred to give ample proof that our people are ready to sacrifice everything upon the altar of our constitutional obligations. There are, it is true, among us men who would disregard the law and the constitution, and for an excuse seek some "higher law." By that "higher law" we are all bound. It was dictated by a wisdom above the wisdom of man. But we contend that in the constitution there is nothing that does not comport with the precepts of the Bible. The patriots that framed it, through the ministers of God, invoked the aid of Heaven. It is a most perfect instrument and we can not break a part of it without destroying the whole. So long as it stands the country will prosper. When it is destroyed, the nation is gone.

[8] *Indiana State Sentinel,* Oct. 12, 1850.
[9] *Ibid,* 8.

A little later we find Mr. Brown still advocating harmony, for he says:

> Let meetings be held, and societies be organized. Let all good men sustain the president and his cabinet in their effort to breast the storm of fanaticism. When breakers are lashing against the vessel, let us not inquire, what are the politics of the pilot, but let the inquiry be, does he manage the helm with skill and judgment? Let us not quarrel about the seats at the feast when the house is in flames. We have conquered all other nations that we have battled with. Let us now conquer ourselves. Adhere to the compromise of the constitution. Preserve the union and a glorious destiny awaits us as a nation. The honest people must act and act effectively.[10]

From the northern part of the state, union sentiment is expressed in one of the Logansport papers. Commenting upon the opposition to the slave law it says:

> The newspapers of the abolition stripe have endorsed resolutions and the cry now is "Let slip the dogs of war." This is all wrong—wrong from beginning to end and an hour of cooler reflection will tell these extremists so. If it is a bill of evils and outrages, what is the remedy? Certainly not forcible resistance. Our object is not a defense of the fugitive slave law, for in many of its provisions it is unjust. But, we are utterly opposed to anything that looks at a violation of law.[11]

From a Terre Haute paper the following tenor is expressed:

> It is evident now, that the sober second thoughts of the people will sustain the law, as well as those who were instrumental in its passage. The law itself probably does no more than was designed by the act of 1793 and which has been so long in force without incurring such strong attempts at repudiation, both designing and only intending to provide the means for securing the rights of a master to his fugitive slave.
>
> But there is another point of view in which this law is entitled to the respect of the community, brought forth with a view to the settlement of exciting difficulties long prevailing in our country. Difficulties which seemed to threaten, not only the harmony of the people, but the perpetuity of the union. Something must be conceded to the necessities of the times. It was thought by many better to have peace and save the union. It is possible that some of the provisions of the fugitive slave law may seem very stringent. But something had to be yielded, as well as something obtained.[12]

[10] *Indiana State Sentinel,* Nov. 12, 1850.
[11] Logansport *Pharos,* Nov. 6, 1850.
[12] Wabash *Courier,* Nov. 16, 1850.

From southern Indiana came this expression from a union Whig paper:

> We believe that the agitation of these questions at this time before their wisdom is fairly tested, can result in nothing but evil, and that continually. And so believing, we cannot regard it as the part of wisdom or patriotism to be continually agitating the public mind in regard to them.
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> The slave law may be radically wrong in principle, and justly obnoxious to public reprehension, and we do not say it is not, but so long as it has a place on the statute book, so long as it is the law of the land. it should be recognized as of binding force by all good citizens, and to counsel resistance to its operations, or incite to individual and organized opposition is hurtful in the extreme, tending only to anarchy and revolution.[13]

One of the leading Indianapolis papers commented thus:

> We desire that the agitation of the question should cease—that the law should be given a fair trial and if it only secures the object of the constitution without unjust requirements at the hands of the people of the free states, then let it remain as it is. But we tell those who are now so severe in their denunciations of its opponents that there will be agitation so long as they continue their course.[14]

From these reports from various parts of the state it is seen that both the leading political parties desired the compromise to be a final one, and the leaders as well as the papers were preaching the *finality* doctrine. They wanted to get rid of the vexatious question by saying as little about it as possible. To the majority of people in Indiana this seemed reasonable. As time went on such sentiment seemed to be gaining everywhere. The majority of the papers were expressing the hope that this would settle the whole trouble.

From nearly every portion of the state protests were heard against the law, from a few democratic and whig newspapers. When the law was passed, some of these papers flew into a passion and said things that were purely abolitionist and rebellious, but when the sober second thought came most of them refrained from their former bitterness, though they yet opposed the law. In the meantime they would not impede or oppose its execution openly, but would do what they could

[13] Madison *Tribune*, April 19, 1851.
[14] *Indiana State Journal*, May 10, 1851.

to draw its fangs by getting it amended, or if possible repealed. As time passed their statements gradually became more moderate.

It will be well at this point to see what the feeling was over the state, in opposition to the law as expressed by some of the papers.

A paper at Richmond, Indiana paid its respects to the law in the following language:

> The claimant or agent is to be *prima facie* evidence of the truth of his claim and the interested party on the other side is not to be heard. What mockery of justice! of common sense! of law! Why not issue a license to kidnappers, authorizing them to enter any of the free states and take into slavery any man with a colored skin! Such a course would create a revenue to the government, but under this bill a monopoly is offered to desperadoes who are infamous enough to engage in the business.[15]

Later the same paper changed its tone somewhat, but was still opposed to the law. On November 20, 1850, it said:

> We are not apologist or defender of the fugitive law. Had we been a member of congress, we would have voted against it, and as a private citizen we shall do what we can to secure its repeal.

Again, on December 3, 1850, it said:

> We are opposed to the law because we doubt the constitutionality of some of its provisions—because it offers a bribe to the officers to convict the accused—because it permits exparte testimony to be given against the alleged fugitive—for these and other reasons it should be repealed.

From Franklin, Indiana, we hear denunciation proclaimed in the following language:

> We positively object to the third section of this bill. And we should like to know whether its supporters consider negroes human beings or not. If they are human beings at all, it is an infamous outrage to provide for the captivity of any now free merely upon the affidavit of any scoundrel that may swear the negro is his.[16]

Commenting on what the *Democrat* said an Indianapolis paper declared:

> The *Democrat* is right—there are features in this bill which carry

[15] The *Palladium*, Sept. 11, 1850.
[16] Franklin *Democrat*, Sept. 15, 1850.

us back to the days of barbarism, when might made right, and which stamp it as a disgrace to the age. While we would in no possible manner, encourage the slave to abscond from his master, and while we would interpose no obstacle to that owner's recapturing the fugitive and carrying him back to his home, we deny the right of these deputy nigger catchers to summon a whole community and put them in chase of the unfortunate slave.

There was no necessity for the passage of such a law, so insulting to the common sense and humanity of the north, and our surprise is that any man, in whose veins courses the blood of a freeman, could be found to vote for it. The law of 1793 was abundantly sufficient for the recapture of fugitives, and there was at least some show of humanity about it.[17]

The most extreme view of the law is expressed through the columns of another Indianapolis paper of that day. The writer expresses himself in the following heated language:

This act presents a new feature in our institutions and sets in a new light the glory of this land of liberty. A more infamous enactment can nowhere be found among the statutes of any civilized people under Heaven. The old Spanish Catholics would feel themselves slandered under a charge of such an act, and had such a law been promulgated by any of the execrated tyrants of Europe, the press and the pulpit would loudly proclaim its abominations and political orators would have denounced it to deserved infamy.

I would, under these circumstances, advise county and township meetings, speeches and resolutions expressive of our abhorrence and detestation of the act, our fixed determination to resist its requirements —our attachment to the union and to the Ordinance of 1787 and our unmitigated hostility to our senators and representatives who voted for the bill of abominations, or dodged and screen their guilty heads from the wrath of an injured constituency.[18]

From the northern part of the state a Lafayette paper took a slap at the law in this wise:

There has never been placed upon our statute books a more atrocious act, and one more insulting to freedom than the slave catching law. This law forces the community to become the unwilling tools of kidnappers and slave catchers in their abhorrent work. Agitation has been commenced from all parts of the free state, from every man who values personal freedom, the demand is for repeal. Public sentiment will sweep over the land like a whirlwind, demanding its expurgation from our national statute book and woe be to him who attempts to breast the righteous storm. Public sentiment may sleep a long while under insidi-

[17] *Indiana Statesman*, Sept. 25, 1850.
[18] *Indiana True Democrat*, Oct. 18, 1850.

ous and covert attacks upon freedom, but an open and bold attack, like the one we are considering, will arouse it to vehement action.[19]

A newspaper in southern Indiana expressed its disgust with the law, by saying:

> We don't, can't like it. It is repugnant to all the feelings of a man living in a free state. We know that the constitution provides and imperiously demands that a fugitive "shall be delivered upon claim of the party to whom such service or labor may be due." We know also that this fugitive slave law is very similar to the law of 1793, the great difference between them being in the new federal offices created under it and the new duty imposed upon the marshals and deputy marshals throughout the free states, thus making the federal government a vast slave catching machine instead of leaving the enforcement of the law, as heretofore, to the state officers. We don't like the law—probably never shall! We shall not, however, do anything by word or deed to nullify the law or prevent its being carried into force in Indiana. Like slavery, it is a blot upon our institutions and should be treated as we usually treat slavery, viz., have nothing to do with it.[20]

There was a vital minority of free soilers and abolitionists who continually kept up an agitation, who would not down and who, as Garrison had formerly expressed it, "would be heard" in spite of all that might be said regarding *finality.* Slavery to them was odious. It was the blackest of sin. If a thing was wrong, it could not be made right by compromise. They saw no good in any compromise measure. They felt that the fugitive slave law made the free states the subservient underlings to the southern slave masters and their agents in perpetuating an institution they hated. The enactment of the new fugitive law added fuel to their fire. They were particularly vitriolic in their denunciations of the law and they gained many adherents to their cause at this time in the state, but the greater number of adherents were gained later, when the provisions of the law began to be enforced.

What did they have to say about the law and what vulnerable points did they find in it to attack? A few of their resolutions adopted at the time are now very interesting.

At Neal's creek in Jefferson county, Indiana, on the evening of November 15, 1850, a group of people of all political

[19] Lafayette *Courier,* Oct. 17, 1850.
[20] Madison *Weekly Courier,* Oct. 30, 1850.

faiths of that community met, under the presidency of Samuel Tibbets, to express their ill will against the new slave law. After electing a secretary, the following resolutions were passed:

*Resolved,* That we deem it not only perfectly proper, but important, that we meet together and send forth our united voices in condemnation of this flagrant outrage upon the rights of the citizens and people of these United States.

*Resolved,* That we look upon this law as one of the most tyrannical and unjust enactments that ever disgraced the annals of any country, pagan or christian, and that we look upon the men who were instrumental in foisting it upon us as enemies of their race and utterly unworthy the confidence of a free people.

*Resolved,* That any law that deprives any human being of life, liberty, or property, without the right of trial by jury, and the benefit of the writ of *habeas corpus,* is unconstitutional, unjust, oppressive and as such ought to be disregarded, choosing as Daniel of old said, to obey God rather than man.

*Resolved,* That we will not assist the bloodhounds of slavery to capture any of the oppressed and downtrodden sons and daughters of Africa, whom they claim as their property, and that we will "feed the hungry, clothe the naked, and shelter the stranger" as God commands, to the best of our abilities .

*Resolved,* That we look upon the man who accepts office under such a law, as a monster in human shape, an unprincipled wretch and wholly unworthy the countenance of a free people.[21]

Extracts from resolutions adopted by meetings in the eastern part of the state show the abolition tenor in its best style. At Washington, Indiana, the following was adopted:

*Resolved,* That it is the right and duty of every slave to seek to escape from slavery.

*Resolved,* That we hereby pledge ourselves before God and man to seek to prevent the execution of the recent fugitive slave law, which makes escape from slavery, and giving aid and comfort to those who are trying to escape, punishable as felony, by fines and imprisonment.

At a meeting at Alquina, Indiana, the following was voted:

*Resolved,* That we will not assist (if called upon) in capturing or securing a fugitive slave under this act, though the penalty for refusing deprive us of all our possessions, and incarcerate us between dungeon

*Resolved,* That cruel and ferocious despotism manifested by the pampered slaveholders towards the poor and defenseless slave, is only

[21] Madison *Courier,* Dec. 4, 1850.

equalled in enormity and meanness by the truckling and dog-like servility of the northern doughface.[22]

At Dublin, Indiana, resolutions of like kind were adopted, declaring that every slave had the inalienable right to freedom from slavery and that it was the intentions of those meeting to use every means to get the law repealed and to prevent, so far as possible, its enforcement.

The attitude of the abolitionist convention held at Centerville, Indiana, under the leadership of George W. Julian and C. F. Wright probably summarizes the whole abolition opposition in the most complete language possible. It might be said that a great many whigs in eastern Indiana were acting with the abolitionists at that time. The following resolutions were agreed upon:

*Resolved,* That the bloodhound fugitive slave bill recently enacted by congress outrages humanity, violates the plainest provisions of the constitution of the United States and is without a parallel in the legislation of any cvilized people. It denies the writ of *habeas corpus,* it repudiates the trial by jury, it binds the officials created by it to enslave our citizens, it punishes by heavy fines and by imprisonment, the exercise of the plainest duties of morality and religion, it creates a whole army of officers, whose sole business is the hired service of slaveholders, it makes the people of the north slavecatchers and at the same time brings to the aid of the southern man-hunter the military power of non-slave holding states, it barters the liberty of a freeman for the oath of any wretch who may swear that he is a slave. It does all this, whilst our citizens are thrown into southern prisons without cause, and sold into perpetual bondage for their jail fees in violation of the clearest principles of the federal constitution.

*Resolved,* Therefore, that whilst we desire no collision with the law in question, and do not intend rashly or violently to oppose the public authorities, and whilst we mean by all reasonable endeavor to labor for its repeal, we hereby declare our purpose in the meantime, to make it powerless in the country by our absolute refusal to obey its inhuman and diabolical provisions.[23]

From the various newspapers and the resolutions adopted in the different meetings, a few points around which opposition hinged in regard to the law are discovered. In the first place the law denied the right to a trial by jury. This naturally was repugnant to any Hoosier who had the least bit of Anglo-

[22] *Indiana State Sentinel,* Nov. 19, 1850.
[23] *Indiana State Sentinel,* Oct. 12, 1850.

Saxon principles in his character. To him this law treated the slave worse than pagan Rome treated hers, for the old Roman law gave the slave the benefit of the doubt, but here was a law on the American statute books in the nineteenth century which denied to the slave a means of any defense and denied to him the right to testify in his own behalf. It opposed the seventh amendment of the constitution which guaranteed the right of trial by jury "when the value in controversy shall exceed twenty dollars." The slave master denied that this amendment had been violated by saying that the constitution referred to controversies between persons and a slave was not a person but property and had no rights before the courts of law.

Another fundamental principle was denied when the slave had no recourse from false or long continued imprisonment by appealing for a writ of *habeas corpus*. This law of English origin had always been considered by Americans as the very bulwark of their liberty, but to the fugitive from service this law was of no avail.

Opponents said that the law offered a direct bribe to the commissioner for every decision in favor of the claimant. For every such decision he was to receive ten dollars, and only half as much if he discharged the accused. This made it imperative for him to decide in favor of the agent, whenever possible, in order to increase his financial income.

The people were to be taxed for the return of every fugitive slave, for if there seemed to be a likelihood of a rescue the commissioner could empower the marshal to appoint one or more assistants as an armed guard to aid him in returning the slave to the state from which he fled. The expense for such an expedition was to be paid out of the federal treasury. Each deputy so serving was to receive at least two dollars per day, while engaged in remanding the slave. Where there were thirty or forty men so engaged, it made the expense very heavy on the people and to this and its purpose they objected.

The law was claimed to be unconstitutional because it was an *ex post facto* law, as applied to slaves who had escaped from slavery before its passage, and all *ex post facto* laws are forbidden by the constitution itself. Many of the fugitives who had escaped from bondage before 1850 had lived in the state

many years, had married, had homes and had settled down to a quiet, industrious life in the community to which they had come. They were honest and held in high regard by the white people in their respective neighborhoods. If these fugitives were ever discovered by the man-hunters of the southern masters they could be seized, torn from their homes and their families and returned to bondage. Such action would be inhuman to the last degree and would not be tolerated by any self-respecting individual or community.

One of the worst features of the law was the one commanding all good citizens to assist the slave catcher in capturing his prey. People felt that a man held to bondage for no crime other than the color of his skin and the accident of his birth, had a right to flee for freedom, and their desire was to aid them in doing so; but the law imperiously demanded that they not aid the person seeking liberty, but regardless of sympathy and conscience in the matter to aid him who pursued the fugitive. It was a question of obeying the laws of the country or the higher law of conscience. Many refused the former and obeyed the latter. How could the law of the land be enforced when opposed by so large a portion of the people in the midst of whom it was expected to operate? It could not easily do so, for the moral consciousness of an indignant people rose above the law of the land and finally doomed it to a final overthrow and destruction.

The act had scarcely become the law of the land when some parts of Indiana began to be overrun by man-hunters. These men were not usually the owners of the alleged fugitives, but their agents, often coarse, brutal men whose bitter instincts had been smothered by years of slave driving. The law empowered these men to capture and bring to trial any negro they might suspect of being a runaway, to secure the aid of officers and to force bystanders, under penalty, to assist them, if necessary. The majority of people in Indiana were wanting peace and things were bidding fair to its attainment until certain slave owners and their agents began to come into the state to claim their runaways. These cases, of course, had to be tried in the newly created commissioner's courts. When cases began to be tried secretly and commitments made, when some, who had been free for a number of years were

being torn from their homes, families and friends by these slave catchers, and began to be arrested and tried, the murmurs which were but faintly heard before, now broke out in tones of rebellion against the iniquitous law. Men who had previously been strongly in favor of the law now began to align themselves against its execution. The reality of slavery had never been brought so forcibly to their attention before. Now the slave master was coming into their home communities, where reigned peace and happiness, and there arresting and seizing fugitives and carrying them before the courts to be consigned without jury trial to former slave relationship. Such spectacles drove people to revolt against this law and every new case tried and the commitment following only added fuel to the passionate flame.

These things occurred in Indiana during the decade before the Civil war. Many cases for commitment and rendition of fugitives were tried, how many will never be known. Only the most important were reported by the papers during the ten year period. Most of them were very much alike,—if identity were proven, a certificate must be issued for return. The next chapter will treat of some of the cases and to this we now turn.

## OPERATION OF THE FUGITIVE SLAVE LAW IN INDIANA

### I. The Freeman Case

By far the most exciting case under the fugitive slave law of 1850, in the state of Indiana, was that of John Freeman, which was begun on Tuesday, June 21, 1853, in the court of Squire Sullivan, commissioner of the United States for Indiana, in the city of Indianapolis. Freeman was a free negro who had come to Indianapolis in 1844, from the state of Georgia. He had been a free man for a number of years previous to his coming to the Indiana capital. He brought with him about $600 which he deposited in one of the banks upon his arrival. A little later, he invested a part of his money in real estate. He was an industrious man, being a painter, whitewasher and a man who could do general labor

of all kinds. He soon won for himself a place in the confidence of every one who knew him, was universally esteemed and highly respected. He married a very sprightly girl then living in the family of Rev. Henry Ward Beecher, pastor of the Second Presbyterian church. He rapidly accumulated property which at the time of his trial was probably worth $6,000. He was trustworthy in every word and deed. He became a member of the colored Baptist church and was very active in all church affairs. He had a family of three little children when the Rev. Mr. Ellington put in his plea that Freeman was his absconded slave.

Pleasant Ellington, the prosecutor in the case, was a large slave holder and by profession, presumably, a Methodist preacher. He had formerly lived in Kentucky, but at the time of the trial was a resident of St. Louis, Missouri, to which place he had removed and where he possessed many slaves. His affidavit, filed before Commissioner Sullivan, claimed Freeman as his slave and at the time of its being filed did not state when the slave had escaped, but later fixed the date in March, 1836. Rev. Ellington was represented in the case by L. D. Walpole and J. A. Liston, Freeman by John L. Ketcham, John Coburn and Lucius Barbour. Being represented by such legal talent, the battle was to be fought hard on both sides. Freeman's fight was to establish that he had been and was a freeman, while Ellington must prove him to be his slave. Ellington from past experience and from the standpoint of the law had the advantage of the battle. It was not the first fight of this kind that Ellington had had. In the state of Missouri, he had the reputation of being one of the shrewdest and most successful suitors at law. The law presumed Freeman guilty to begin with and had it not been for the moral backing of the community, he probably would have been torn from his family and carried south to be sold again into slavery. But popular sentiment was with him and on this account he finally triumphed.

The arrest of Freeman was made by Deputy Marshal J. H. Stopp, who, in giving evidence later regarding the arrest of Freeman, said that Ellington came to the city on the day of the arrest and stopped at the house of a Mr. Githens, that there he first saw him and from there they went to Commis-

sioner Sullivan's office, where Ellington made his affidavit. When the affidavit was filed, he went to Freeman's house and induced him to go to the commissioner's office.[24] He induced Freeman to go to the commissioner's office by reporting to him that his presence was required before the justice of the peace to give testimony in a case where another man was a party. Freeman not suspecting anything unusual, accompanied the officer to the office of Squire Sullivan, the U. S. commissioner. Stopping for a moment at the office of Mr. Ketcham, which was adjoining the commissioner's office, he was apprehended and hurried before Commissioner Sullivan. Great reluctance was shown in giving Freeman permission to consult a lawyer. He finally secured the services of Mr. Ketcham, who wished a private consultation for a few moments with his client, which was granted. Very shortly the claimant and his posse became clamorous at the door. When the door was opened by Mr. Ketcham, Officer Stopp and his assistants seized Freeman with a ferocity that would have done honor to tigers and hurried him down stairs to the courthouse. He was led between two officers and followed by Ellington and his attendants. Ketcham soon followed and when he arrived, he found Ellington insolently engaged in examining Freeman's jaw and teeth to identify him. This action aroused Freeman's counsel, who immediately reminded the court and claimant that his client was a man, not a horse, and that he expected him to be treated as such.[25] The falsehood used and deception practiced, in the arrest of Freeman spread like wild fire among his friends. Commissioner Sullivan, at first, seemed inclined to act too hastily, but the public began to assemble and it was evident that a fair trial must be given. The people felt that Freeman had a clear record as a free man and they meant to see that justice was given him in the courts as to any other citizen of the community. The case was adjourned from time to time to give the counsel on both sides a chance to make full examination and this had the tendency to increase the excitement that always attended such a case.

Ellington had brought three men with him to prove the identity of his slave. He claimed Freeman was his slave Sam

[24] *The Locomotive*, May 13, '54.
[25] *The True Blue Republican*, July 6, 1853.

who had fled from him, while living in Kentucky, some 17 or 18 years before. With these Kentucky witnesses, Ellington felt quite confident of his ability in taking Freeman back with him. Freeman's counsel were advised that Ellington's witnesses were at hand and that Freeman was to be taken into their presence to be identified. Ellington was not satisfied with just the external appearance of Freeman, so he demanded a more thorough examination. On Tuesday Deputy Marshal Stopp took Freeman from jail to another room to be examined. When they were once in the room Mr. Liston, Ellington's attorney, very authoritatively demanded of Freeman to pull up his breeches that they might examine his legs for scars. Freeman's counsel directed him not to do it. Liston insisted—they opposed. At the insistence of Liston the deputy marshal very peremptorily ordered Freeman to expose his limb. His counsel told him not to do it, and then said they would not use force to prevent it, nor would Freeman resist if they chose to do so, but that he himself would not voluntarily take off his clothes and if they did it, it would be at their peril. The deputy marshal declined to do this, feeling he had no such authority.[26]

Mr. Liston ordered Freeman back to jail and telegraphed the marshal, Mr. Robinson, who was out of the city, to see if an examination was possible under him. He arrived in the afternoon and closeted himself with Mr. Liston. Mr. Ketcham finally secured an interview with him and asked the right of the counsel to be present at the examination. The marshal said they could be present if they did not interfere with the examination, if they would not direct their client to refuse to strip himself, otherwise they could not. They would not accede. The counsel for the defense handed the marshal a written protest which went unheeded. The examination took place. Against his will and in the absence of his counsel Freeman was required to strip. They examined his legs, back and other portions of his person for marks by which to recognize him. Having seen all marks on Freeman's body Ellington's witnesses were, of course, ready to swear to them in court and establish the fact that Freeman was the veritable Sam, Ellington's old Kentucky slave. Freeman had but one

[26] *Indiana Democrat*, Aug. 5, 1853.

scar on his body and that was found on the left leg. It was about an inch and a half in diameter produced by a cut. By this mark and his appearance they were ready to perjure themselves and to take a free man into bondage.

The marshal who conducted this examination was John L. Robinson of Rushville, Indiana. He had been a man of some importance in the Democratic party of his state, had been elected to congress three times from the third district, had voted against the fugitive slave bill and now was serving as marshal by appointment from President Pierce. His conduct in aiding Ellington to secure evidence was greatly condemned by the press from all parts of the state. The wide-spread notoriety he received from this act he could never shake from his political toga. He was taunted as the crooked mileage man (because he had charged for 1,080 miles of mileage from Rushville to Washington while congressman) and Ellington's watch dog. Other similar odious and distasteful phrases were hurled at him all the time and everywhere.

A Shelbyville correspondent said that the conduct of the crooked mileage man and Ellington's humane counsel was what he condemned and not the fugitive law. He defied his friend to cite him to any part of the fugitive law that authorized the United States marshal, or any other man to strip a fugitive of every vestige of clothing, and that too against his consent and without the presence of his attorneys. And he further defied anyone to cite any authority whatever even in the blue laws of Connecticut that authorized an *ex parte* examination of witnesses, even in taking depositions without, at least, notifying the opposite party and giving him an opportunity to be present, either in person or by proxy.[27]

A Madison paper scored Ellington and his witnesses for putting Freeman at par with beasts in regard to marks of identification other than the features and countenance, and further said:

> And what is as strange as the conduct of those men, is the fact that John L. Robinson, the marshal, a man who ought to have some little respect for his state, even if he has none for himself, would permit such proceedings as have never been heard of elsewhere than perhaps in the quarters of the detested men whose ostensible occupation is to buy and

[27] *The True Blue Republican*, Aug. 31, 1853.

sell human flesh. Ellington and his men may have a motive, but none can be seen for Robinson, unless it be a natural hate of justice or a penurious desire to obtain the five dollars that he will lose if Freeman is not returned to slavery.[28]

Commenting on Robinson's act the *Democrat* said:

Reader, what think you of such proceedings? Could you cenceive that such an outrage could be committed under the direction of a civil officer in the "high noon of the nineteenth century" and in a country boasting of its civilization, christianity and refinement? Is there a citizen of Indianapolis—is there a citizen of the country, whose blood does not boil at the perpetration of such indignities? Had such a scene transpired in Austria, what curses and imprecations we should heap upon the infamous Haynau guilty of such an act! By the Haynau Marshal who perpetrates such a deed in the highly intelligent, civilized, refined and christian city of Indianapolis, shall we not all sing peons of glory to him? Shall not christians assemble in their respective churches and render devout thanks to Almighty God that Marshal John L. Robinson, by stripping the clothing off a respectable citizen of Indianapolis in his custody, or causing it to be done, and exposing his nakedness, has saved the union?

But has the marshal the least authority for such a disgraceful proceeding? Infamous as is the fugitive slave law, does it require any such duty of him? Does he not perform his whole duty under that law, when he keeps securely the alleged fugitive? Does that law require him to shut from his heart all sympathy for freedom, and to offer every possible facility for kidnapping? Throughout this whole case so far, the marshal has seemed to regard himself as the special agent of the claimant, and has, apparently, taken great pleasure in furnishing him every possible facility to make out his case, and has thrown almost every conceivable obstacle in the way of the defense.[29]

In a meeting of independent democrats in Cass county it was resolved that John L. Robinson, marshal of the state of Indiana, be presented by the chairman of this meeting with a black leather collar marked: "The Ellington watch dog, to be let at $3 per day."[30]

Even the conservative democratic papers were forced to acknowledge the effects upon the public. A paper at Newcastle said relative to identifying the negro that:

Such occurrences as these must necessarily add much strength to the free soil party. They are strong weapons and will not be suffered

[28] Madison *Banner,* Aug. 4, 1853.
[29] *Indiana Democrat,* Aug. 5, '53.
[30] Logansport *Journal,* Sept. 10, '53.

to rust in their hands. The advocates of *finality* of the fugitive slave law, will lose much ground in consequence of the proceedings in the Freeman case. We do not believe that these unwarrantable proceedings should be charged against the law itself, but it will be done, and with great effect, too, in spite of all defense or apology.[31]

In this way was the ire of the peace-loving, freedom-seeking citizenship of Indiana aroused to antagonism.

In the meantime, the counsel for Freeman had procured a writ of *habeas corpus* and the case was transferred to the court of Stephen Major, judge of the Marion county circuit. Freeman pleaded that he was a free man and the proof of this fact rested upon various papers from guardians appointed by various courts in Virginia and Georgia and from court records under their seal, dated as far back as 1831.

The case was resumed at nine o'clock the next morning, Friday, before an immense and deeply interested crowd of spectators. Mr. Liston for Ellington, said they were not ready to reply to the pleas of Freeman and wished until Monday or Tuesday. This, the court refused to grant and gave the claimant until the next day to make reply.

When the court reconvened, Judge Major decided that he had no jurisdiction in the case and recommended that Freeman be put in the custody of the United States marshal, who placed him in jail to await the decision of Commissioner Sullivan. After the return of the fugitive from the circuit court, at the orders of Judge Major, the United States commissioner seemed much more inclined to grant a fair trial. He had probably taken into account the drift of popular opinion in the case, and when his court reconvened he granted a period of nine weeks in which to gather evidence. This grant favored Freeman, since it would give him an opportunity to get witnesses to prove the truth of his statements regarding his freedom. It would make against the claimant, since his ability to secure Freeman as his slave depended on quick action on the part of the commissioner in deciding the case.

Meanwhile, the counsel for Freeman had asked bail for their client for the nine weeks he would otherwise have to remain in jail. A note was drawn payable in sixty days to the State bank of Indiana for $1,600 and was signed by one

[31] Newcastle *Democratic Banner*, Aug. 11, 53.

hundred citizens of different parties, among whom were men of the first standing in the community, such as Judge Blackford, Judge Wick, W. B. Palmer, and Calvin Fletcher. Specie to the amount of the note was raised and brought into court as security to Ellington against damages. In addition a bond in the sum of $4,000 was also signed by a number of citizens owning property to the amount of more than half million of dollars to indemnify him. Freeman's counsel offered still further to enter into a recognizance to any amount the claimant might name for the appearance of Freeman on the trial.

Freeman's counsel contended that this motion for bail was founded on the organic law of the northwest territory, which declared that "all persons shall be bailable"—by the organic laws Freeman is a man and included in the enactment. The law applies to all persons—to Freeman as well as to any other. Bail could not be denied in any case, except for capital offense and Freeman had committed no crime. Freeman should be admitted to bail to be permitted to go where he formerly lived to obtain testimony and prove his identity.[32]

Walpole, for the claimant, said he came to protest against bailing a fugitive and called the attention of the court to a further provision of the ordinance of the northwest territory referred to by Freeman's counsel. "Fugitives from services or labor escaping from any of the states of the United States into any of the territories thereof shall be delivered up to the claimant on proper proof." He said further that Commissioner Sullivan's power was not judicial, but ministerial—that there was no authority for admitting Freeman to bail and that the proffered bond was of no legal value.

After hearing this argument Commissioner Sullivan decided that bail was not permissible under the circumstances and ordered Freeman remanded to jail to remain for the intervening nine weeks.

Because he feared that a rescue might take place, the marshal was thinking seriously of removing Freeman to the jail at Madison on the Ohio river for safe-keeping. To prevent this removal from his family and friends, Freeman was compelled to pay $3 per day for a guard to watch over himself. This guard was selected by the marshal and was on duty sixty-

[32] *Indiana Democrat*, July 8, '58.

eight days, for which Freeman was forced to pay $204. This, added to what had already occurred, enraged the people all the more. The United States marshal was held to be the cause of this affair and he was maligned and upbraided more than ever by the press.

During the nine weeks interim Freeman's counsel were busily engaged gathering evidence to clear their client. They went to Georgia and to Canada getting proof of Freeman's statements. At the request and direction of Freeman Messrs. Ketcham and Coburn both wrote letters to Monroe, Walton county, Georgia, the place of Freeman's former residence to ascertain whether they could get into communication with any witnesses. They both received letters proving what their client had previously said. Here is printed the letter received by Mr. Ketcham, and which was similar to the one received by Mr. Coburn:

MONROE, WALTON COUNTY, GEORGIA, July 6, 1853.

DEAR SIR—Mr. William W. Nowell, the clerk of our county court, has just handed me your letter of the 22d June, with the request that I should answer it, as I was better acquainted with John Freeman, the person enquired about, than he was. I replied to a letter of Mr. John Coburn of your place yesterday, on the same subject. I have lived in this place ever since January, 1826, and was well acquainted with John Freeman from the time he came here in 1831, till he left in 1844. I may be mistaken about the time he came—at any rate, it was in 1831 or 1832—but I think it was 1831. He had free papers, which were recognized by the judges of the inferior court of this county, and a certificate was granted him. Col. John P. Lucas was clerk at that time, if I recollect. Colonel Lucas wrote a bolder and plainer hand than I do. He died of apoplexy or paralysis since then. John Freeman went with him to the Florida war in 1836. John Freeman is of medium size, well made, and a black negro. There are hundreds of persons in this county who could testify that he came to this place as early as 1831, or '32, and remained here all the while except his trip to Florida in the spring of 1836, and one or two other times when he was absent for a few days on business for Creed M. Jennings and others. Creed M. Jennings lives now in Wetumpka, Alabama. He made his home with Mr. Jennings for several years after he came to this place. His statements that you speak of are true, and there can be no doubt but that the claim set up by the man from Missouri is fraudulent and can be proved to be so by any reasonable number of our most respectable citizens.

Respectfully,

LEROY PATILLO, P. M.[38]

[38] *Indiana American*, Jan. 20, 1854.

Not being satisfied with the letter alone as evidence, Freeman asked Mr. Ketcham to go to Georgia and bring witnesses for his defense. This Mr. Ketcham did. He brought Leroy Patillo, the postmaster at Monroe, Georgia, and other acquaintances of Freeman. Mr. Ketcham concluded to test Freeman on his acquaintanceship with Patillo. He brought Mr. Patillo to the ante-room of the jail and placed him in an obscure position. Freeman was then brought in and shook hands with Mr. Ketcham. This gentleman then told him to look around and see if any of his old friends were present. He slowly cast his eyes around on those present, nodding to this and that one with the accustomed deferential manner of a colored man, but when he came to the southern gentleman spoken of, he fixed his eyes upon him, eagerly recognized him, rushed toward him, grasped his hand and with heartfelt emotion said, "God bless you, Massa Patillo, how do you do?" This was too much for the old gentleman's equanimity, he was unmanned and shed tears and, indeed, there were few dry eyes in the room.[34]

While Mr. Ketcham was securing witnesses from Georgia and Alabama, Mr. Coburn was rounding up witnesses from Greenup county, Kentucky, the former home of Rev. Ellington and the place from which Ellington had brought his three witnesses to testify to the identity of Freeman as Sam. When he arrived at Amanda Furnace, Greenup county, Kentucky, he learned that Ellington's slave some years before had sent his respects to his master by Dr. Adams of Ohio. He learned that the doctor's daughter lived in the county, and from her he found out his residence to be in Jackson, Ohio. He immediately went to see the doctor, who stated that he had taken Sam's respects to his master; that Sam then lived in Salem, Ohio, and passed by the name of Wiliam McConnell; that he had told his name in a public speech; his master's name to be Ellington ;his residence Greeneup county, Kentucky, opposite Hanging Rock; his history, his escape and capture at Millersport, Ohio, in the year of 1835 in the canal. It was upon the occasion when Mr. Paul of Wheeling attempted to retake his slaves and failed, having been resisted by Sam, alias McConnell and others.

[34] Logansport *Journal*, July 30, 1853.

Mr. Coburn then went to Salem, where he found the doctor's statements confirmed, found men who knew Sam's marks, his history since 1836 at Salem and his account of his slavery and adventure on Big Sandy at the Iron Furnaces and the Hanging Rock ferry. He found that McConnell answered the descriptions given of Sam in the depositions in Kentucky, which did not correspond with Freeman.

He returned to Indianapolis and offered to bear Ellington's expense to Canada to Sam's residence, where he had fled upon the passage of the new fugitive slave law. This, Ellington refused to do. Mr. Coburn then proceeded to Kentucky and prevailed upon Henry A. Mead, Esq., a relative of Ellington, a slaveholder, and a man of wealth, who now resided on the farm whence Sam escaped, to go with him to Canada. He also prevailed upon Capt. James Nichols, a near neighbor, and the largest slaveholder in Greenup county, to accompany them. They are both gentlemen of the first character and friends of Ellington. When they started, they said it was impossible that Ellington could be mistaken in his man, but that they would go to Canada and see if the man pointed out was really Sam. They went together. When near Sam's house, Mr. Coburn staid behind in the woods, and let Messrs. Mead and Nichols go alone to the house. As they approached, a mutual recognition took place. They met as old friends, shook hands, conversed freely about Ellington and all their former acquaintances.

Sam seemed very glad to see them. He showed them the scars on his person, a very large burn on the outside of his left leg below the knee going down to the ankle, scars on the back over the shoulders produced by the bite of another negro, a mark on his left wrist and another on the left elbow, his peculiarly small ears, his singular feet, the two longer toes on each foot being much longer than others in proportion, and what were surer marks, their mutual recollections tallied. They went to Indianapolis, in their depositions stated the facts as above, and that they had not the shadow of a doubt as to the man in Canada being the genuine Sam.[35]

The evidence secured by Mr. Coburn regarding the body marks of Sam, who was then residing near Malden, Canada,

[35] From *The Bugle*, quoted by the *Locomotive*, Sept. 24, '53.

did not correspond with those of Freeman. Freeman had but one body mark, a scar about one and one-half inches in diameter on the left leg produced by a cut. He had no scar on the left leg from being burnt, no bite marks on his back or shoulders, nor any marks on his arms. The outward appearance of Sam and Freeman did not tally. Sam was tall, jet black and full chested. Freeman was six inches shorter, low, heavy set and was a muddy brown in color. This was bad evidence for the Rev. Mr. Ellington, whose Sam had disappeared from his Kentucky home sixteen years before.

The day for Freeman's last test for freedom was fast approaching. There was deep feeling manifested on the part of Indianapolis citizens in regard to the case, so much so that one of the city papers cautioned calmness on the part of the people. After announcing that Freeman's trial had been set for Monday the 29th of August and that Freeman's counsel had "spared no exertions to prove his innocence, having been to Georgia once and to Canada twice", they continued in the following strain:

> A good deal of feeling exists in the community on this case, as many think the law, under which he will be tried, will not give him a chance to prove his innocence. This is the fault of the law. One object in writing this is to caution our citizens against permitting their feelings to lead them to do or say anything that should not be said or done. The best course is to leave his defense in the hands of his counsel, who have and will do all that can be done to save him. If his freedom is established, of course, Ellington is liable for damages, and they can be recovered from him. If it is not established, let the officers of the law quietly carry it out. Resistance will only bring those that engage in it into difficulty without doing any good. In cases of this kind, a mild course is always best—using unkind or threatening expression on either side only embitters and confirms, without doing any good and against this either in word or action, we would like to see our citizens guard.[36]

In the midst of this excitement, Creed M. Jennings, his old guardian, arrived from Alabama. He had heard of Freeman's bad situation and had come to aid him. Like Mr. Patillo before him, he was accompanied to the jail, together with many of the citizens of the town. Freeman did not know that Mr. Jennings was in the city or anything about his intended visit. The prisoner was shaking hands with his friends, when he observed the stranger. He rushed toward

[36] *Locomotive*, Aug. 20, 1853

him, grasped his hand with emotion, fell on his knees and exclaimed, "God bless you Massa Jennings". He then turned around and observed to the spectators that Massa Jennings knew he didn't lie, and that he was not a slave, or something to that effect. The spectators were strongly moved and Mr. Jennings could not repress the tears of feeling and sympathy.[37]

Ellington arrived on the scene on Saturday before the trial which was set for the following Monday. He brought his son with him to be a witness for reclamation. Mr. Liston, who had become convinced that Freeman was not Ellington's slave, advised Ellington to abandon the case. Before the son went to see Freeman, he read the depositions of Messrs. Nichols and Mead, which thoroughly prepared his mind for a proper inspection. On his return, he said he did not believe that Freeman was his father's slave. Thereupon, Ellington gave up the fight and Commissioner Sullivan dismissed the case. On that day and the following Monday, the day set for the trial, six Georgians came to testify in behalf of Freeman. They had all known him since 1831. Messrs. Patillo and Jennings had come previously and Gov. Howell Cobb of Alabama would have come had he been telegraphed.

Commenting upon the action of the southern witnesses the *Locomotive* said:

> All praise is due these gentlemen from Kentucky and Georgia for their magnanimous and manly conduct, and most nobly does their disinterested generosity contrast with the repacity of Ellington. Ellington as a ruse, pretended to desire a compromise with Freeman on Saturday, but ran away without having offered one cent.[38]

It is said by an Indiana writer that the crestfallen Ellington went on foot by night to a station south of Indianapolis on the Madison and Indianapolis railroad and took cars for his southern home never again to be seen in the old Hoosier state.[39]

The people of Indianapolis and the state at large were greatly rejoiced over the outcome of the trial, but they had increased hatred for the law which came so near dragging

[37] *Indiana Daily Journal*, Aug. 26, 1853.
[38] Locomotive, Sept. 2, '53.
[39] O. H. Smith, *Early Indiana Trials and Sketches*, 279-9.

back into slavery a free, colored man. From Fort Wayne came the clarion cry:

Freeman, the colored man, who has been claimed as a slave by a Methodist preacher from St. Louis, named Ellington, has been released, having clearly and incontestably proved that he was not the man sought. The reverend slave catcher has been compelled to give up his victim. Freeman's counsel are going to commence a suit for damages against Ellington. A more flagrant case of injustice, we have never seen. It appears to us in such cases, that if the person swearing to the idenity of the accused and seeking to consign a free man to slavery, were tried and punished for perjury, a wholesome lesson would be given which might prevent injustice to free persons of color. The fugitive slave law evidently needs some amendment, to give greater protection to free persons of color. As it now stands, almost any of them might be dragged into slavery. If Freeman had not had money and friends he must inevitably have been taken off into bondage. Any poor man, without friends, would have been given up at once and taken away, and it was only by the most strenuous exertions that he was rescued. A law under which such injustice can be perpetrated, and which holds out such inducements to perjury, is imperfect and must be amended or repealed. The American people have an innate sense of justice which will not long allow such a law to disgrace our statute books.[40]

From the *True Republican* we quote:

Freeman, the alleged fugitive, claimed by Ellington and confined in jail at Indianapolis, has been liberated. Here is an evidence of evil growing out of the fugitive slave law and one that will be remembered by the people of Indiana in all time to come. This slave-hunting minister who has been bold enough to attempt to kidnap a free negro has all at once become convinced that Freeman is not his slave. This single instance of an attempt at kidnapping is sufficient to show that the fugitive slave bill is bad law, bad constitution, bad morality and worse religion. Humanity demands a modification.[41]

The *American* expresses its reproach for Ellington and his witnesses and the injustice done Freeman in this manner:

We see in this case the most remarkable instance on record of mistaken personal identity or else stupendous perjury. Here comes Ellington and swears to his chattel, then come others to testify to his identity, and yet after all he is no slave, but a *bona fide* free man. Now, were Ellington and his co-swearers all this time mistaken? If so, what a lesson to our courts on the difficulty of personal identity. If not "mistaken" then were they all the while practicing deep prejury, and now who pays

[40] Fort Wayne *Sentinel*, Sept. 8, 1853.
[41] *True Republican*, Aug. 31, 1853.

these costs? Who pays the loss of Freeman's time, the sacrifice of his business and the destruction of its profits? By the "mistake" or perjury of the covetous wretch who sought to increase his ownership in groaning humanity, has this man been stripped of his property. Has he a remedy? Does this "glorious" compromise furnish an offset against a grievance so oppressive? Must this man, innocent and free, bear all this outrage and have no legal redress? must he? Is this justice? Shall no legal justice be visited on the would-be- man-stealer and the marshal, who was his tool and co-oppressor?[42]

Freeman did not let such indecent conduct go unchallenged. As has been indicated, his counsel began a damage suit against Ellington for $10,000. The case was filed in the Marion county court in September, 1853, and was docketed for the next term of court. On the Saturday that the case against Freeman was dismissed by Commissioner Sullivan, Ellington's attorneys made an attempt to compromise with Freeman. They offered either to pay $1,500, as a full satisfaction, or else the expense incurred by him in the suit, including reasonable lawyers fees, $2 a day for lost time, and a reasonable amount for damages. Freeman's counsel agreed to receive $3,000, but Ellington did not tarry longer to compromise and made sure his escape that night.[43]

The damage suit against Ellington came up in May, 1854, in the county circuit court. Ellington did not appear himself, his attorneys acting for him. Freeman sued for $10,000 damages for false imprisonment. The trial started on Tuesday and the forenoon was taken up in examining Stopp, who acted as marshal in Freeman's arrest. He told about going to Freeman's home and taking him to Commissioner Sullivan's office, thence to the courthouse, accompanied by Ellington and his men, how Ellington attempted to examine Freeman's teeth and face and had been repulsed by Ketcham, who reminded him that Freeman "was not a horse." His examination continued until noon, when court adjourned until one o'clock. When court convened, it was stated that the case was settled and an agreement of the counsel read that a verdict should be rendered for the plaintiff for $2,000 and costs of the suit. This award to Freeman meant nothing to him, for it was never paid. Ellington disposed of his property and left

[42] *Indiana American*, Sept. 22, '53.
[43] *Locomotive*, Sept. 3, 1853.

St. Louis. Soon the great Civil war came and both litigants were lost sight of in its whirlpool.[44]

Not long after the damage suit, it happened that a person familiar with the particulars of the Freeman trial was traveling through Missouri and passing through Ellington's home county ascertained all about the Missouri preacher and wrote a letter to the editors of the *Indiana State Journal.* It is as follows:

PLATE COUNTY, MISSOURI, July 24, 1854.

MESSRS. EDITORS—I give you one of the last that I have heard in this region as a sequel to the events that have given notoriety to Pleasant Ellington. I am now in his county and he seems to be very generally known.

The report is this, as brought back, I suppose by himself. The abolitionists, alias the citizens of Indianapolis, privately managed to steal away his negro out of jail and sent him away to Canada by the hands of men who returned and swore that they had seen Ellington's negro in Canada. In his place in the jail they substituted Freeman, a free negro, and sent to Georgia for testimony to prove his freedom. By this adroit, but rather costly maneuver he had been tricked out of his negro.

The report gains about as much currency here as it would be in your own city. Ellington is held in about the same estimation here as there. The people of his own town rejoiced in his defeat. Ellington, it is said, to avoid the Freeman judgment, has disposed of his property and left for parts unknown. When in the Wyandott nation, I learned that a lot of his negroes had been brought there for safety.[45]

From this letter it is discovered that Henry Ward Beecher was not very far wrong, when in a letter to the Indianapolis papers he called Ellington a "scoundrel clergyman" and the men who aided him in his trial as a gang of "base miscreants". Further on in this letter, referring to Ellington, Beecher says:

Meanwhile, that same God, who permits the existence of tarantulas, scorpions and other odious vermin, suffers also the existence of such creatures as this Rev. Ellington. It may serve a purpose in a glossy, timid, shuffling age to exhibit before the sun how utter a villain a man may be and yet keep within the pale of the law within the permissions of the church and within the requirements of the Christian ministry. To crush the human heart, to eat a living household, to take a family into ones hands and crush it like a cluster of grapes, this is respectable, legal and christian in the estimation of cotton patriots and patriotic

[44] *The Locomotive,* May 13, 1854.
[45] *Weekly State Journal,* Aug. 12, 1854.

christians, who regard law as greater than justice, the Union more important than public virtue and practical christianity.[46]

Freeman's friends and counsel later tried to collect damages from J. L. Robinson for compelling Freeman to strip himself twice in the presence of Ellington and his witnesses, without his counsel being present. Robinson, it will be recalled, forbade Freeman's counsel to be present, if they should do anything to prevent him from being stripped. As a result of such rigorous treatment, Robinson was sued in the Marion county circuit court for $3,000. In his complaint Freeman charged that Robinson, as marshal did "assault the plaintiff, and strip him naked, and expose his naked limbs and body to divers persons who were witnesses against the plaintiff, and thereby exposed the plaintiff to be carried into slavery for life by fraud and perjury", that from June 21 to September 1st Robinson, "by fraud, threats and duress illegally extorted from the plaintiff the sum of three dollars per day during said period for a space of 60 days".[47] Robinson answered these allegations by pleading that the acts complained of were in the course of his duty as an officer, and also pleaded a lack of jurisdiction, on the ground that he resided in Rush county. The case was finally appealed to the supreme court. The supreme court sustained the lower court, which upheld Robinson's pleas on the point of lack of jurisdiction. It did hold, however, that stripping and exposure to hostile witnesses and the extortion of money were no part of Robinson's official duty. This decision was given December 21, 1855. Why Freeman did not bring suit against Robinson in Rush county is not known, but he seems to have grown tired of litigation and with the decision of the supreme court the fight was forever closed.

While these things were transpiring Robinson's cowardly conduct was being flayed by some of the papers in Indianapolis. Said one:

The President's approval of his conduct, proves nothing but that Mr. Robinson has made good use of the opportunity he had of appearing in the double character of witness and advocate. Freeman was not before the President at the same time. But allowing that Mr. Robinson

[46] *Indiana Free Democrat*, Aug. 4, 1853.
[47] Freeman *vs.* Robinson, 7 Ind., p. 321.

intended to represent the matter fairly to Mr. Pierce, his approval is not so satisfactory as the verdict of a jury would be, and why did not Mr. Robinson let a jury pass upon the matter? The demurrer applied only to the jurisdiction of the court, not to the merits of the case. The filing that demurrer was entirely in Mr. Robinson's power. Why did he not let it alone, and let the jury take the case on its merits? Was he as confident of their approval as the President's? Consciousness of right does not seek evasion, and a plea to the jurisdiction is an evasion always.[48]

Freeman had most of his capital invested in real estate. He owned about four acres of land lying in lot four St. Clair's addition between Meridian and Pennsylvania streets near the present site of St. Peter's and St. Paul's cathedral.[49] He also owned an eat shop on Washington near Meridian. His trial left him almost destitute. He had been at a heavy expense in procuring evidence and paying witness fees. The marshal had practically compelled him to pay three dollars a day for a guard to watch over him while he was in jail. No charges were made against him by the court or his lawyers. The heaviest expenses in procuring witnesses were those from Georgia and Alabama.

To aid him in financing his trial for liberty an appeal was made to the ministers of the churches of Indiana and Georgia for relief. The money thus secured was to be turned over to Calvin Fletcher, president of the State Bank of Indianapolis, in which Freeman was liable for a note for $1,288 with interest. This had to be paid, or his property would have to be sold to meet it. Finances were finally accumulated in this manner to save his home of a few acres which he gardened. Upon this he lived until the war, when he sold out and left the city for Canada.[50]

Thus ended the Freeman case, by far the greatest single event in the execution of the fugitive law in Indiana. It aligned people against it who were formerly for it. It brought home to the people as nothing could, or ever had done before, the fact that innocent people were likely to be drawn again into the shackles of slavery, an institution which they had come to hate and which they thought wrong anywhere and especially contrary to democracy. Not only was one part or

[48] The *Chanticleer*, Feb. 9, '54.
[49] Town Lot Record, p. 95
[50] *Indiana American*, Jan. 20, '54.

one section of the state brought to realize the wickedness and injustice of the law, but from every part of the state newspapers commented on the case and scored the law. As being characteristic of that time and prophetic of the future, we close with a quotation from a paper of that time:

> We admit all the difficulties and dangers which surround the question of the amelioration or overthrow of this institution (slavery). But we believe the world does move, that its ideas are progressing, that the christian religion is elevating the moral sentiments of mankind, and that the day is coming when this gross outrage upon humanity, this wrong to the oppressed and injury to the oppressor, will disappear from this continent. The enlightened civilization which is spreading over the world, the gradual elevation of the masses of the human family in intelligence and morality forbid that this monstrous outrage should be tolerated by the people of the states where it exists much longer. If christianity and republicanism combined cannot undermine it, neither of them is as potent as we have reason to hope and believe. We speak of this evil in no unkind spirit towards the great body of the people of the slave states, who know and feel that slavery is an evil, but who are unable to see any means of escape from it. But what can be thought of the morality or religion of a man who claims as his property a fellow being, who has not been under his control for twenty years, who has formed new relations, established a character for industry and thrift, and who has accumulated property to a considerable amount, to compel him to give up all and return to bondage, or to extort from him or his friends an exorbitant price for the human chattel? What would the majority of high-minded men in a slave state say to the justice of such a stale claim themselves?[51]

[51] *The True Republican,* Aug. 10, 1853.

(To be continued)